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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923;285	08/06/2001	Nick Steele	17331-0006	9043

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KING & SPALDING LLP
491 PEACHTREE STREET, N.E.
ATLANTA, GA 30303-1763

EXAMINER

ROBINSON, GRETA LEE

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 07/12/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/923,285

Examiner

Greta L. Robinson

Applicant(s)

STEELE ET AL.

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-95 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-95 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-95 are pending in the present application.

Priority

2. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on February 24, 2003 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner, note attached copy of form PTO 1449.

Specification

4. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or

REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a).
"Microfiche Appendices" were accepted by the Office until March 1, 2001.)

(e) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37
CFR 1.97 and 1.98.

(f) BRIEF SUMMARY OF THE INVENTION.

(g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(h) DETAILED DESCRIPTION OF THE INVENTION.

(i) CLAIM OR CLAIMS (commencing on a separate sheet).

(j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A
"Sequence Listing" is required on paper if the application discloses a
nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if
the required "Sequence Listing" is not submitted as an electronic
document on compact disc).

5. The disclosure is objected to because of the following informalities: the claims should begin on a separate sheet (i.e. separate from the detailed description), note page 25 last paragraph.

Appropriate correction is required.

Claim Objections

6. Claim 79 is objected to because of the following informalities: it is not in the proper format. A punctuation mark, such as a colon is needed to distinction the boundaries of the claim (i.e. distinguish between the preamble and the body of the claim). Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 79 and 80-83 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 79 and 80, the following limitation is vague: "In or for a system for storing" [note: claim 79 line 1; and claim 80 line 1]. Claims 81-83 are rejected based on dependency.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-35 and 50-95 are rejected under 35 U.S.C. 102(e) as being anticipate by Wisner et al. US Patent 6,385,596 B1.

Regarding claim 1, **Wisner et al.** teaches a computer-implemented method for storing, managing and distributing consumer information via a distributed electronic network [**note**: figure 9AB; figure 9BA; figure 14; abstract "*on-line music distribution system provides for the secure delivery of audio data and related media, including text*"]

and images, over a public communications network”], the method comprising the steps of:

storing an information account in a central data repository accessible via the distributed electronic network, the information account comprising a plurality of consumer information elements associated with a consumer and being subject to the consumer’s control and management [see: “*confidential information*” column 4 lines 42-67; “*content manager 112 stores details of each transaction in the transaction database 130*” column 9 lines 40-52; “*the media player 116 provides user interface controls*” column 10 lines 7-12; column 10 lines 55-58];

receiving, over the distributed electronic network, a request from a network device for one or more selected consumer information elements, the request including consumer authentication information and being made by the network device responsive to an input command supplied by the consumer [note: figure 6A, 6 and 7 elements 606 624 and 702; figure 8 note “**Place Order**” button and “**Clear Selections**” button; figure 9 note **Request Phase** 902; figure 9AB **Request Data** 904 and Authorized token 928; also note figure 9BA **Authenticate VID** element 946]; and

in response to the request, authenticating the consumer based information elements from the information account, and transmitting the selected consumer information elements, over the distributed electronic network, to the network device [note: figure 9BA; figure 12, 13 and 14; column 1 line 66 through column 2 line 6; column 2 lines 49-63; column 4 lines 51-67; column 9 lines 53-67; column 13 lines 25-27 “information is preferably transmitted over a secure communications link, such as

Netscape"; column 14 lines 49-53; column 15 line 56 through column 16 line 40
"delivery server 118 transmits 726 the media information"].

Wiser et al. teaches a secure online music distribution system that provides for storage, management and remote distribution of media information. Users can view account information regarding purchases and payment [column 27 lines 38-46].

Regarding claims 2-23, a single sign-on mechanism ... a client device executing a browser ... a temporary client-side application ... [note: column 10 lines 7-13; column 14 lines 40-47 "when clicked, the user invokes 702 HTTP server"; column 16 lines 14-49.

The limitations of claims 24-35 and 58-78 parallel claims 1-23; therefore they are rejected under the same rationale.

Regarding claims 50-57 download a temporary client side application [note: downloading col. 9 lines 54-67]

Regarding claim 79 and 80-83, the limitations have been addressed above except for the following: "a propagated signal carrying thereon a tagged data stream" ... "a data structure". Wiser et al. teaches a data stream and provides for acknowledgement of signals [see: figure 1B, 5 and 7; column 6 lines 15-27; column 15 lines 62-63 "delivery server 118 then streams 728 the media data file 200 to the media player 116"; also note column 15 lines 19-43].

Regarding claims 84-87, hosting a database management system configured to create, update or delete the consumer information elements [note: "various other

modules interface with this module to retrieve, update, create, or delete media file 200" column 20 lines 57-64].

The limitations of claims 88-95 have been addressed above; therefore they are rejected under the same rationale.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 36-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiser et al. in view of Fortenberry et al. US Patent 6,005,939.

Regarding claims 36-49 Wiser et al. teaches a method for storing, managing and distributing information via a distributed electronic network. Wiser et al. does not specifically teach a web page file prompting a consumer to input selected consumer information elements. Fortenberry et al. teaches a method for obtaining information to conduct a secure transaction on the Internet by prompting a user [note: 408 figure 4; also note elements 51 and 522 figure 5; column 6 lines 37-62; column 7 lines 45-62]. It would have been obvious to one of ordinary skill at the time of the invention to have combined the cited references because a signal prompting the user to enter information would provide a more user friendly interaction with the computer system.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Saliba et al. US Patent 6,052,710

Laor US Patent 6,584,448 B1

Doggett et al. US Patent 5,677,955

Singh US Patent 6,665,704 B1

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta L. Robinson whose telephone number is (703) 308-7565. The examiner can normally be reached on Mon.-Fri. 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



GRETA ROBINSON
PRIMARY EXAMINER

Greta Robinson
Primary Examiner
July 1, 2004